



Planning Commission

1 **FINAL MINUTES OF THE REGULAR PLANNING COMMISSION MEETING**
2 **September 5, 2018**

3 The meeting was called to order at 7:01 p.m.

4 **Location:** North Berkeley Senior Center, Berkeley, CA

5 **Commissioners Present:** Steve Martinot, Robb William Kapla, Christine Schildt, Jeff Vincent,
6 Benjamin Fong, Prakash Pinto, Rob Wrenn, Benjamin Beach, Leah Simon-Weisberg (substitute
7 for Mary Kay Lacey) (arrived at 7:09).

8 **Commissioners Absent:** Mary Kay Lacey (excused)

9 **Staff Present:** Secretary Alene Pearson, Sydney Stephenson, and Elizabeth Greene.

10 **ORDER OF AGENDA:** No changes.

11 **CONSENT CALENDAR:** None.

12 **PUBLIC COMMENT PERIOD:** No speakers.

13 **PLANNING STAFF REPORT:** Staff has provided a laminated Zoning Map for each
14 Commissioner meeting. The next Commission meeting will be on October 3 with two items:
15 public hearing for the small business package and formalized work plan report for the Planning
16 Commission.

17 **COMMUNICATIONS IN PACKET:**

- 18 • 2018-09-05 – Marisa Kendall – Housing Reporter for East Bay Times – Information
- 19 Request
- 20 • 2018-09-05 – Rob Wrenn – Planning Commissioner – Memo with attachments for Item 9
- 21 • 2018-09-05 – Cal Dems – More Student Housing Now Support, Item 9
- 22 • 2018-09-05 – ASUC – Letter of Support More Student Housing Now Resolution, Item 9

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24 **LATE COMMUNICATIONS** (Received after the Packet deadline):

- 25 • 2018-09-05 – Aaron Eckhouse – Student Housing in the Southside, Item 9
- 26 • 2018-09-05 – Derek Sagehorn – Student Housing in the Southside, Item 9

27 **LATE COMMUNICATIONS** (Received and distributed at the meeting): None.

28 **CHAIR REPORT:** There has been no commission or subcommittee meeting since July. The
29 Chair reported on the Ashby Bart Community meeting for public comment on the Adeline
30 Corridor Project.

31 **COMMITTEE REPORT:** The second bundle of the Zoning Ordinance Revision Project (ZORP)
32 is being worked on by staff and the next subcommittee meeting shall be at the end of October or
33 beginning on November. The September 20 JSISHL committee meeting is cancelled.

34 **7. APPROVAL OF MINUTES:**

35 Motion/Second/Carried (Vincent/Schildt) to approve the Planning Commission Meeting
36 Minutes from July 18, 2018. Ayes: Martinot, Schildt, Fong, Kapla, Vincent, Beach. Noes: None.
37 Abstain: Pinto and Wrenn. Absent: Simon-Weisberg. (6-0-2-1)
38

39 **8. FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:** None.

40 **AGENDA ITEMS**

41 **9. Discussion: Student Housing in the Southside**

42 Staff presented the report by briefly reviewing the six related Council referrals, UC related
43 actions, and State regulations related to affordable student housing. The report included
44 analysis of six Council referrals related to affordable housing; the City Attorney's analysis of
45 the possible local density bonus regulations; description of SB 1227 related to creating
46 affordable housing; and potential CEQA analysis that may be necessary to implement Zoning
47 changes. Staff identified five possible actions related to student housing in the Southside:

48 Short term:

- 49 1. Car-Free Housing
- 50 2. Community benefit
- 51 3. Convert commercial space
- 52 4. Implement SB 1227

53 Long-term

- 54 5. ZO changes to modify height and FAR

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56 The Commission first discussed the City Attorney's memo and requested that staff and the
57 City Attorney continue to explore the option of creating a local density bonus program with an
58 additional 15% density bonus. The Commission then discussed the five actions proposed by
59 staff, as well as the actions proposed by Commissioner Wrenn. Commissioner Wrenn's memo
60 included: eliminating parking requirement in the R-S, upzoning R-3 parcels in the Southside
61 to R-S, and creating an additional 15% density bonus in the Southside. The Commission also
62 discussed connecting the actions discussed to incentives for affordable housing as much as
63 possible. The Planning Commission discussed the possibility of a supplemental EIR that would
64 have a shorter timeframe than two years, and the possibility of using the Council approved
65 \$45,000 for CEQA analysis of student housing zoning amendments. The Commission made
66 the following motion:
67

68 Motion/Second/Carried (Fong/Kapla) to give direction to staff to: 1) prioritize the car-free
69 housing and conversion of commercial space to residential actions and continue analyzing

70 the five actions proposed in the staff report; 2) consider affordability incentives and
71 requirements for all five actions; 3) analyze Commissioner Wrenn's proposals; 4) explore
72 expediting EIR and/or supplemental EIR options; 5) analyze the in-lieu option and
73 additional 15% for density bonus; 6) encourage UC to build affordable student housing;
74 and 7) prioritize actions that take less time and money. Ayes: Martinot, Schildt, Fong,
75 Kapla, Vincent, Wrenn, Beach Simon-Weisberg, Pinto. Noes: None. Abstain: None.
76 Absent: None. (9-0-0-0)
77

78 Public Comments: 26 speakers.

79 **10. Discussion: Referral Response: Amending Moderate Impact Home**
80 **Occupation Regulations**

81 Staff presented the Council referral related to Moderate-Impact Home Occupation and the
82 four additional amendments to the Home Occupations Chapter (BMC 23C.16) that staff
83 proposed. The Referral includes an amendment to reduce the level of discretion for
84 Moderate Impact Home Occupations that involve five or fewer customer or client visits per
85 day from UP to an AUP. The Use Permit would still be required for Moderate Impact Home
86 Occupations that involve more than 5 visits and storage or handling of goods on-site.

87 The four issues discussed in the report included:

- 88 1. Expanding customer/client visits to not only teaching-related Home Occupation (HO)
89 businesses. Two options were presented:
 - 90 o Allow five or fewer visits per day for Moderate-Impact HOs with an AUP
 - 91 o Allow four or fewer visits per day for Low-Impact HOs (with a ZC) and allow five
92 or more visits per day for Moderate Impact HOs (with an AUP)
- 93 2. Allow HO businesses in Accessory Buildings and Accessory Dwelling Units. The 20%
94 and 400 sq. ft. threshold would apply to ADUs but would not apply to Accessory
95 Buildings.
- 96 3. Allow handling, processing, and storage of goods on-site (except outdoors).
- 97 4. Reformat and restructure the chapter by consolidating information and requirements.

98 The Planning Commission discussed the four issues and proposals and provided staff with
99 direction and input. The Commission made the following motion:

100 Motion/Second/Carried (Schildt/Vincent) to request from staff to prepare Zoning language for
101 the Home Occupations chapter amendments including: 1) staff proposed option to allow four
102 or fewer visits per day for Low-Impact HOs (with a ZC) and allow five or more visits per day
103 for Moderate Impact HOs (with an AUP); 2) allow HO businesses in Accessory Buildings and
104 Accessory Dwelling units (making sure that HOs in ADUs are owner occupied) and
105 eliminating size threshold for Accessory Buildings; 3) allow handling, processing, and
106 storage of goods on-site (except outdoors); and 4) reformat and restructure the chapter by
107 consolidating information and requirements. Ayes: Martinot, Schildt, Fong, Kapla, Vincent,
108 Wrenn, Beach Simon-Weisberg, Pinto. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

109 Public Comments: 1 speaker.

110 **The meeting was adjourned at 10:02 pm**

111 **Commissioners in attendance: 9 of 9**

112 **Members in the public in attendance: 46**

113 **Public Speakers: 27 speakers**

114 **Length of the meeting: 3 hour and 1 minute**